



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applic. of: Stephen E. Parent and Daniel L. Day )  
)  
Filed: December 14, 2004 ) Examiner: Taousakis Alexander P.  
) Group Art Unit: 3726  
Serial No: 10/517,961 )  
)  
For: SPIKED PLATE FOR LOG END AND HAND )  
TOOL FOR REMOVING SAME )  
)  
Atty. Docket No.: AD136/2001 )

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D. Carrithers  
(Typed or Printed Name)  
D. Carrithers  
(Signature)

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement set forth in the Office Action mailed November 24, 2008, Applicant hereby provisionally elects Group II. (Claims 5-11) for examination with traverse.

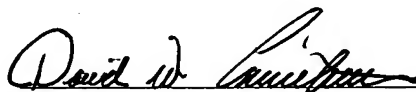
The Examiner has required restriction between: (Claims 1-4 drawn to a process, claims 5-11 drawn to a spiked plate, and claims 12-22 drawn to a device for extracting spikes).

Applicant elects to prosecute claims 5-11, and withdraws claims 1-4 and 12-22 from consideration as being directed to a non-elected invention

In the present case, although the claimed subject matter may be classified in different subclasses, the inventions are not independent and this classification by itself is an insufficient basis for requiring restriction between the claims. The Group I and II claims are so intertwined as to be essentially a single invention linked together to provide a novel method of preventing splits in logs cut for lumber. Applicant submits that the process and product produced therefrom are linked together as one invention and that the combination of the claims are supported for both and that one skilled in the art would search in both subclasses and therefore the claimed invention of Group I and Group II should be considered a single entity.

Applicant respectfully requests that the restriction requirement be withdrawn with respect to Groups I and II, and that the claims pending in this application be examined as claiming one invention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. Carrithers", is written over a horizontal line.

David W. Carrithers  
CARRITHERS LAW OFFICE, PLLC  
The 1000 Building  
6200 Dutchman's Lane, Ste. 206  
Louisville, KY 40205  
Telephone (502) 452-1233  
Reg. No. 35,475